

Carol Sidwell

September 17, 2004

Moline, IL

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<p style="text-align: right;">74</p> <p>1 about the staff model HMO that John Deere ran.</p> <p>2 A. Yes.</p> <p>3 Q. Was the HMO always conducted as a separate</p> <p>4 entity from John Deere Health?</p> <p>5 A. I'm not sure that I can talk about the</p> <p>6 legal structure of that entity. It was a separate</p> <p>7 HMO designed as a staff model HMO.</p> <p>8 Q. Was there overlap in the personnel who ran</p> <p>9 the HMO versus John Deere Health?</p> <p>10 A. Certainly.</p> <p>11 Q. And can you tell me the time frame that</p> <p>12 that HMO existed?</p> <p>13 A. I think Mike referenced that earlier. I</p> <p>14 don't remember the exact dates. I know that the</p> <p>15 facilities were -- one of the facilities at least</p> <p>16 was in operation when I came here in 1993, so I</p> <p>17 presume the HMO was in operation at least at that</p> <p>18 point. I don't remember exactly when we stopped</p> <p>19 operating it as a staff model HMO, late '90s, but I</p> <p>20 don't know a date.</p> <p>21 Q. In that HMO, John Deere had a contract to</p> <p>22 reimburse for both pharmacy benefits and for</p>	<p style="text-align: right;">76</p> <p>1 reflect whether physician-administered drugs were</p> <p>2 paid for based on AWP?</p> <p>3 A. I wasn't involved with pulling the actual</p> <p>4 data, so I'm not sure what is included in it.</p> <p>5 Q. Okay. Let me just quickly look at my</p> <p>6 notes here and see if I've got anything else.</p> <p>7 In the recent discussion we had of the</p> <p>8 contracts that were entered as Exhibits 3, 4 and 5,</p> <p>9 I believe --</p> <p>10 A. Yes.</p> <p>11 Q. -- do all of those contracts reference the</p> <p>12 term AWP as a reimbursement benchmark?</p> <p>13 A. I'm sure they do, but I'm verifying.</p> <p>14 Yes, they do.</p> <p>15 MS. MacMENAMIN: That's all I have right</p> <p>16 now.</p> <p>17 MR. HAAS: I've got a couple follow-up</p> <p>18 questions.</p> <p>19 FURTHER EXAMINATION</p> <p>20 BY MR. HAAS:</p> <p>21 Q. With respect to the time frame that</p> <p>22 John Deere was reimbursing pharmacies at an</p>
<p style="text-align: right;">75</p> <p>1 physician-administered drugs; is that correct?</p> <p>2 A. Since the pharmacy was part of our</p> <p>3 organization, I don't believe that we had a specific</p> <p>4 contract with them. I'm not familiar with any type</p> <p>5 of contract that they would have had for</p> <p>6 reimbursement of the injectable drugs on the</p> <p>7 physician side.</p> <p>8 Q. So you would not know then whether</p> <p>9 physician-administered drugs were reimbursed based</p> <p>10 on AWP in a staff model HMO context?</p> <p>11 A. I would defer that question to Mike.</p> <p>12 Q. One question about the claims data.</p> <p>13 Have you produced claims data in this case</p> <p>14 to defendants?</p> <p>15 MS. KNOLL: I don't think we have turned</p> <p>16 it over yet, have we? Tamara has got it.</p> <p>17 MR. HAAS: Susan --</p> <p>18 THE WITNESS: I don't know the answer to</p> <p>19 that.</p> <p>20 BY MS. MacMENAMIN:</p> <p>21 Q. Okay. Without having that claims data in</p> <p>22 front of you, do you know, does the claims data</p>	<p style="text-align: right;">77</p> <p>1 acquisition cost basis, did you have any particular</p> <p>2 understanding as to when that was?</p> <p>3 A. It was before my time here.</p> <p>4 Q. Do you have an understanding of whether</p> <p>5 that was before 1991?</p> <p>6 A. It would be before we moved to the AWP</p> <p>7 pricing, and I believe we moved to that in 1991,</p> <p>8 1992, somewhere in there.</p> <p>9 Q. Do you have an understanding of whether</p> <p>10 when a reimbursement was based upon acquisition cost</p> <p>11 it was acquisition cost plus some amount in order to</p> <p>12 provide some margin to pharmacies?</p> <p>13 A. Back in my retail pharmacy experience,</p> <p>14 when we completed the claim forms, there was a</p> <p>15 column for the ingredient cost and a column for a</p> <p>16 dispensing fee, so there was an additional amount</p> <p>17 provided in that.</p> <p>18 Q. When you say in my retail pharmacy</p> <p>19 experience, are you referring to your pharmacy</p> <p>20 experience at John Deere?</p> <p>21 A. No, my retail pharmacy experience when I</p> <p>22 worked for Osco and the other chain.</p>

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<p style="text-align: right;">78</p> <p>1 Q. Right. And specifically my question goes 2 with respect to your knowledge with respect to 3 John Deere's acquisition cost plus reimbursement -- 4 acquisition cost-based reimbursement. 5 Do you have any particular understanding 6 of whether or not one way or the other whether or 7 not John Deere reimbursed at an amount that was 8 acquisition cost plus a margin? 9 A. Since I wasn't here, if you rely on my 10 John Deere Health knowledge, I would not be able to 11 give you anything on that. 12 (Whereupon, an off-the-record 13 discussion was held.) 14 MS. MacMENAMIN: I actually have some 15 follow-up questions for Mr. Baderstadt. I didn't 16 know you were going to go straight there. And one 17 follow-up question for Carol, for Ms. Sidwell. 18 FURTHER EXAMINATION 19 BY MS. MacMENAMIN: 20 Q. Ms. Sidwell, Mr. Haas was just asking you 21 about contracts before '91 and '92 that required 22 reimbursement acquisition cost plus a dispensing</p>	<p style="text-align: right;">80</p> <p>1 dispensing fee. It's strictly a discounted AWP. Or 2 stated differently, our dispensing fee is zero. 3 Q. Okay. Mr. Baderstadt -- 4 MR. HAAS: Susan, just before you go over 5 there, just so we finish up with Carol, I just want 6 to make sure, because I think the record is muddy, 7 and I just want to make sure it's not so we don't 8 have to come back to it later. 9 FURTHER EXAMINATION 10 BY MR. HAAS: 11 Q. Can you say one way or the other what the 12 terms were of the contracts John Deere had with 13 pharmacies that may have been based upon acquisition 14 cost? 15 A. I was not here at that time, so I don't 16 know the specific contract language. 17 Q. So to the extent we have been discussing 18 those contracts, you've been -- withdraw that 19 question. 20 So to the extent that you've been 21 answering questions with regard to these contracts, 22 you've been speculating as to what you think they</p>
<p style="text-align: right;">79</p> <p>1 fee. 2 Is a dispensing fee still a part of 3 contracts now based on AWP's? 4 A. For many of our contracts, yes. For some, 5 no. 6 Q. Can you give me an estimate of how many 7 involve a dispensing fee? 8 A. Most of our retail pharmacies have a 9 dispensing fee attached to them that ranges from 10 \$1.49 up to \$2.50 per prescription. 11 Q. Is it your understanding that the 12 dispensing fee is part of the margin or the profit 13 to be made by the pharmacy? 14 A. The margin that the pharmacy gets is a 15 combination of the margin they make on the 16 ingredient cost of the drug and the dispensing fee. 17 The two factors together determine the overall 18 reimbursement. 19 On the previous question, we also have 20 many -- I won't say many, several contracts with 21 mail order facilities with some of our specialty 22 providers in other areas where we do not pay a</p>	<p style="text-align: right;">81</p> <p>1 probably would have as far as terms? 2 A. I was approaching them from the claim 3 forms that I filled out as a retail pharmacist and 4 submitted to John Deere Health. 5 But as to the actual contract terms, 6 you're correct, I did not see the contract terms. 7 MR. HAAS: Okay. Thank you. Go ahead, 8 Susan. 9 (Whereupon, the deposition was 10 concluded.) 11 12 13 14 15 16 17 18 19 20 21 22</p>

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<p style="text-align: right;">82</p> <p>1 STATE OF ILLINOIS) 2) SS: 3 COUNTY OF C O O K) 4 The within and foregoing deposition of the 5 witness, CAROL SIDWELL, was taken before GREG S. 6 WEILAND, CSR, RMR, CRR, Notary Public, at Suite 300, 7 1630 Fifth Avenue, in the City of Moline, Illinois, 8 commencing at 10:38 o'clock a.m., on the 17th day of 9 September, 2004. 10 The said witness was first duly sworn and was 11 then examined upon oral interrogatories; the 12 questions and answers were taken down in shorthand 13 by the undersigned, acting as stenographer and 14 Notary Public; and the within and foregoing is a 15 true, accurate and complete record of all the 16 questions asked of and answers made by the 17 aforementioned witness at the time and place 18 hereinabove referred to. 19 The signature of the witness was waived by 20 agreement of counsel. 21 The undersigned is not interested in the 22 within case, nor of kin or counsel to any of the parties. Witness my official signature and seal as Notary Public in and for Cook County, Illinois, on</p>	
<p style="text-align: right;">83</p> <p>1 this 20th day of September, 2004. 2 3 4 _____ 5 GREG S. WEILAND, CSR, RMR, CRR 6 License No. 084-003472 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>	

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